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EXTRAORDINARY

PART II—Section 2

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LOK SABHA

The following Bills were introduced in Lok Sabha on the 20th March, 1959:—

BILL No. 14 OF 1959

A Bill further to amend the Representation of the People Act.

BE it enacted by Parliament in the Tenth Year of the Republic of India as follows:—

1. This Act may be called the Representation of the People Short title.
(Amendment) Act, 19 .

5 2. After the existing proviso of section 73 of the Representation Amendment
13 of 1951 of the People Act, 1951, the following proviso shall be added, of section 73
namely,—

10 “Provided further that the members whose elections are
completed later in pursuance of the provisions of section 153
of this Act shall be deemed to be members of the electoral col-
lege under Article 54 and members of the House of the People
under Article 66 of the Constitution of India for the purpose of
the next election of the President and Vice-President respec-
tively.”

STATEMENT OF OBJECTS AND REASONS

The Second General Elections to the Lok Sabha and the State Assemblies were held in the months of February and March, 1957. Due to the snowbound areas in the one constituency of the Lok Sabha, and one constituency of the Vidhan Sabha in the Punjab and three constituencies of the Lok Sabha in Himachal Pradesh, the elections could not be held according to the time schedule. Their polling and completion dates were extended and elections were held in the months of June and July 1957. Consequently, two members who were elected to the Lok Sabha and two members who were elected to the Vidhan Sabha in the Punjab and four members who were elected to the Lok Sabha from Himachal Pradesh were not able to participate in the election to the office of the President and the Vice-President. It is to remove that hardship that this Bill has been brought forward.

NEW DELHI;

The 5th January, 1959.

HEM RAJ.

BILL NO. 9 OF 1959

A Bill to enforce the indication of prices of commodities

BE it enacted by Parliament in the Tenth Year of the Republic of India as follows:—

1. (1) This Act may be called the Indication of Prices of Com- Short title
modities Act, 19 . and comm-
encement.

5 (2) It shall come into force on such date or dates in the whole or any part of the country as the Union Government may, by notification in the Official Gazette, notify.

2. In this Act, unless there is anything repugnant to the context,— Definitions.

(a) “commodities” with all its grammatical variations, and
10 cognate expressions means articles of consumption;

(b) “dealer” means any person, firm or company which keeps or stocks for sale any commodity;

(c) “indication of price” means pasting of such labels,
printed or written, on the commodity to be sold as will describe
15 its price clearly in any or more of the languages mentioned in the Constitution.

3. The Union Government may by notification in the Official Price Labels
Gazette order the dealers of any one or more of the commodities that to be fixed.
may be specified in the notification in the whole of the country or,
20 any part thereof, to paste, fix or print labels indicating the price of

the article kept for sale from such date as may be appointed in the notification and every dealer shall act accordingly, and shall not charge more for a commodity than the price so indicated on the label

Punishment. 4. Any dealer who contravenes the provision of section 3 shall be punishable with simple imprisonment for a term not exceeding 5 one year or with fine not exceeding one thousand rupees or with both.

Power to make rules. 5. (1) The Central Government may make rules providing for the manner and method of indication of price and to carry out the purposes of this Act. 10

(2) All rules made under this Act shall be laid for not less than thirty days before each House of Parliament as soon as may be after they are made and shall be subject to such modification as Parliament may make during the session in which they are so laid or the session immediately following. 15

STATEMENT OF OBJECTS AND REASONS

Eleven years have passed since the country achieved independence. Yet the dealers in commodities in the country induce the unwary or those who do not like higgling into paying more than the normal prevalent prices. As the number of such customers is very large and as this practice brings a bad name to the country, it is desirable to enact a law making it compulsory for dealers to indicate the price on each commodity. Hence the Bill.

NEW DELHI;

RAM SHANKER LAL.

The 14th January, 1959.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Sub-clause (1) of clause 5 empowers the Central Government to make rules providing the manner and method of indication of prices and to carry out the provisions of the Act. These matters relate to the manner in which the notification may be made and the method in which the price may be indicated and the purpose of the Act carried out. These are matters of detail which may best be regulated by rules. The delegation of power is of a normal character.

BILL No. 23 OF 1959

A Bill further to amend the Charitable and Religious Trusts Act, 1920.

BE it enacted by Parliament in the Tenth Year of the Republic of India as follows:—

1. (1) This Act may be called the Charitable and Religious Trusts (Amendment) Act, 1959 Short title and commencement.

5 (2) It shall come into force at once.

XIV of 1920. 2. In section 3 of the Charitable and Religious Trusts Act, 1920 (hereinafter called the principal Act)— Amendment of section 3.

(i) after the word “nature” the words “or benefited by it directly or indirectly” shall be inserted; and

10 (ii) the proviso shall be omitted.

3. In section 4 of the principal Act, after the word “trust” the words “or benefited by it directly or indirectly” shall be inserted. Amendment of section 4.

4. After section 7 of the principal Act, the following new sections shall be inserted, namely:— Insertion of new sections 7A and 7B.

15 “7A. (1) Every trustee of an express or constructive trust created or existing for public purpose of a charitable or religious nature shall fulfil the purpose and object of the trust within reasonable period and obey the directions mentioned in trust Duties of a trustee.

deed except as modified by the court within the local limits of whose jurisdiction any substantial part of the subject-matter of the trust is situate.

(2) A trustee under this Act is bound to keep clear and accurate account of the trust property and shall get it audited annually by a Chartered Accountant. 5

(3) A trustee under this Act is bound to invest the trust money in promissory notes, debentures, stocks or other securities of the Central Government or in Reserve Bank of India or State Bank of India or in Small Savings or National Planning 10 Certificates or in any private or public company in which the Central Government or a State Government owns fifty per cent or more shares.

Failure to
comply with
provisions
of section
7A.

7B. If a trustee fails to comply with the provisions of section 7A such trustee shall be deemed to have committed a breach of 15 trust affording ground for a suit under the provisions of section 92 of the Code of Civil Procedure, 1908 and any such suit, so far as it is based on such failure, may be instituted without the 5 of 1908. previous consent of the Advocate General."

STATEMENT OF OBJECTS AND REASONS

Under the present Act the trustee is not bound to keep regular accounts duly audited by a Chartered Accountant. Therefore it is apprehended that the trust money may not be utilised for the purpose for which the trust was created.

At present only those persons who have an interest can apply to the court for knowing the particulars as to the nature and objects of a trust and its accounts. The Bill seeks to provide that every person who is directly or indirectly benefited by the trust may also be allowed to file an application for the above purpose.

At present the applicant can apply for any direction in respect of accounts only for the last three years. The proviso to Section 3 is now sought to be deleted, so that the petitioner may be able to examine and see the accounts from the day on which the trust was created.

The Bill also seeks to provide that the trust money shall be invested only in such companies, banks or concerns which are owned or controlled materially by Government.

If a trustee fails to comply with any provision or commits any breach of trust no suit can be filed without the previous sanction in writing of the Advocate General. Under such circumstances, it is very difficult, if not impossible, for the persons who are benefited or interested in the trust to file suit against the trustees. The Bill seeks to make the procedure simpler so that they may file suit without any previous sanction of the Advocate General.

RAM KRISHAN GUPTA.

NEW DELHI;
The 17th March, 1959.

BILL No. 19 OF 1959

A Bill to provide for fixation of prices of food grains.

BE it enacted by Parliament in the Tenth Year of the Republic of India as follows:—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Fixation of Price of Food Grains Act, 19

(2) It extends to the whole of India except the State of Jammu and Kashmir. 5

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf.

Definitions.

2. In this Act:—

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(a) 'food grains' means paddy, wheat, gram, maize and their products and includes Jawar, Bajra and other coarse grains used for consumption by human beings for maintenance of life,

(b) 'in time' means sufficiently ahead of the sowing season,

(c) 'imprisonment' means imprisonment of either description, simple or rigorous, 15

(d) 'price' means price per standard maund consisting of forty seers or of eighty-two pounds weight each.

3. The Central Government shall fix the price of food grains in time. Fixation of price of food grains.

4. Whoever sells, purchases or aids and abets the sale and purchase of food grains at a price lower than that fixed by the Government shall be punished with imprisonment for a term which may extend to six months: Punishment.

Provided that in case of a second or subsequent conviction the court may also impose a fine according to the gravity of the offence besides additional imprisonment for three months.

10 5. (1) The Central Government may, by notification in the Official Gazette, make rules laying down the formula for calculation of the price of food grains and for carrying out the other provisions of this Act. Power to make rules.

15 (2) All rules made under this Act shall, as soon as may be after they are made, be laid for not less than thirty days before both Houses of Parliament and shall be subject to such modifications as Parliament may make during the session in which they are so laid or the session immediately following.

STATEMENT OF OBJECTS AND REASONS

The need for encouraging production of food grains has been universally recognised. It is also a fact that in the absence of an economic price fixed by law the grower is much handicapped and exploited. With the introduction of land reforms and State Trading in food grains the necessity of fixing the prices of food grains has become all the more acute and justified. Hence the present Bill.

NEW DELHI;
The 20th February, 1959.

JHULAN SINHA.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill empowers the Central Government to make rules laying down the formula for calculation of the price of food grains and for carrying out other provisions of the Act. The rule-making powers sought to be conferred are of a normal character.

M. N. KAUL,
Secretary.

